



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, 19TH THEATER SUPPORT COMMAND**  
**UNIT #15015**  
**APO AP 96218-5015**

**08 SEP 2003**

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**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT: Command Policy Letter #37 – Limitation on Exercise of Authority; Areas III and IV**

1. **AUTHORITY.** Under EUSA Suppl to AR 27-10, I am the General Court-Martial Convening Authority (GCMCA) for Areas III and IV. The limitations on exercise of authority below are made pursuant to my authority under Rule for Courts-Martial 306(a) and AR 27-10, paragraph 3-7d.

2. **APPLICABILITY.** This limitation on exercise of authority applies to all commanders in Areas III and IV, regardless of whether the unit is a subordinate of the 19<sup>th</sup> TSC. It does not apply to 19<sup>th</sup> TSC (CONUS) commanders while in CONUS. It also does not apply to soldiers assigned or attached to the U.S. Army Criminal Investigation Command.

**3. LIMITATION ON EXERCISE OF AUTHORITY BASED ON RANK.**

a. I withhold from all Area III and IV commanders the authority to impose nonjudicial punishment under Article 15, UCMJ and to issue administrative reprimands for acts of misconduct involving commissioned officers, warrant officers, sergeants major, first sergeants, and master sergeants assigned or attached to my General Court-Martial Jurisdiction (Areas III and IV).

b. I withhold to all Special Court-Martial Convening Authorities within Areas III and IV the authority to impose nonjudicial punishment under Article 15, UCMJ and to issue administrative reprimands for acts of misconduct involving noncommissioned officers in the ranks of sergeant first class serving in 1SG billets who are assigned or attached to my General Court-Martial Jurisdiction (Areas III and IV).

4. **LIMITATION ON EXERCISE OF AUTHORITY BASED ON CATEGORY OF MISCONDUCT.** I withhold to all Special Court-Martial Convening Authorities within Areas III and IV, the authority to impose nonjudicial punishment under Article 15, UCMJ and to issue administrative reprimands for the following categories of misconduct by all sergeants and above assigned or attached to my General Court-Martial Jurisdiction (Areas III and IV). Offenses by soldiers E1-E4 are withheld to the first field grade commander in the soldier's chain of command.

a. Off-post offenses.

b. Sexual assaults, sexual harassment, and fraternization.

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- c. All drug offenses and all offenses committed under the influence of alcohol.
- d. Spousal abuse;
- e. Incidents involving weapons, as defined in USFK Regulation 27-5, dated 1 Jun 98.

5. **LIMITATION ON AUTHORITY TO CONVENE BCD SPECIAL COURT-MARTIAL.** I withhold from all Special Court-Martial Convening Authorities within Areas III and IV the authority to refer cases to special courts-martial empowered to adjudge a Bad Conduct Discharge.

6. **RELIEF FOR CAUSE ACTIONS.** I will approve all relief for cause actions initiated on master sergeants and above. Subordinate commanders may temporarily suspend an enlisted soldier, master sergeant and above, from assigned duties pending investigation, IAW paragraph 3-32, AR 623-205. Relief for Cause actions for commanders will comply with the provisions of AR 600-20.

7. **PROCEDURES.**

a. Suspected offenses will be promptly investigated. Investigation of minor offenses (AWOL, failure to repair, simple assaults, etc.) is the responsibility of the suspect's immediate commander. Military Police Investigators (MPI) and Criminal Investigation Command (CIDC) agents will assist in the investigation of more serious offenses. Commanders should take appropriate action when sufficient facts are known, even if a final MPI or CIDC report has not been received.

b. For cases where authority is withheld to a certain level of commander and a lower level commander believes that nonjudicial punishment or an administrative reprimand is appropriate, that commander will expeditiously forward all available evidence through intermediate commanders, to the appropriate commander with recommendations as to disposition of the case. Your unit trial counsel will assist you in this process.

c. Area III and IV commanders may request a specific case be returned to them for appropriate action. Such requests will be considered and the decision whether to return the case will be made by the appropriate commander or myself on a case-by-case basis.

d. This limitation on exercise of authority does not affect the authority of Area III and IV commanders to initiate and process administrative separation actions, to discuss relief, or to prefer and/or forward court-martial charges.

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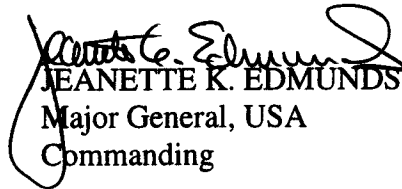
8. FINAL GUIDANCE.

a. Commanders at all levels are required by law to provide their honest and independent recommendation on how misconduct should be addressed. Nothing in this policy statement should be interpreted to indicate that allegations must be disposed of in a particular manner; that predetermined types of punishment are appropriate; or that adverse action is required in all cases or a particular case.

b. Area III and IV unit trial counsel and the Office of the Staff Judge Advocate are responsible for advising commanders on this policy and for preparing the necessary documents to implement commanders' recommendations and decisions in accordance with this policy.

9. SUPERSESSION. This policy letter supersedes 19<sup>th</sup> TSC Command Policy Letter #37, 27 Nov 02.

10. The point of contact for this action is the 19<sup>th</sup> TSC SJA at DSN 768-8078.

  
JEANETTE K. EDMUNDS  
Major General, USA  
Commanding

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